

MARK B. HANSON, ESQ.  
 Second Floor, Macaranas Building  
 Beach Road, Garapan  
 PMB 738 P.O. Box 10,000  
 Saipan, Mariana Islands 96950  
 Telephone: (670) 233-8600  
 Facsimile: (670) 233-5262  
 E-Mail Address: [mark@saipanlaw.com](mailto:mark@saipanlaw.com)

Attorney for Plaintiff Randall T. Fennell

IN THE UNITED STATES DISTRICT COURT  
 FOR THE  
 NORTHERN MARIANA ISLANDS

RANDALL T. FENNELL,

Plaintiff,

vs.

MATTHEW T. GREGORY, former Attorney  
 General, GREGORY BAKA, Acting Attorney  
 General, ANTHONY WELCH, Assistant Attorney  
 General, TOM J. SCHWEIGER, Assistant Attorney  
 General and DOES 1-20, in their official and  
 individual capacities,

Defendants.

CASE NO. CV 09-00019

PLAINTIFF'S OPPOSITION TO  
 MOTION TO SHORTEN TIME  
 RE: MOTION TO INTERVENE

Date: TBD  
 Time: TBD  
 Judge: Hon. Alex R. Munson

On Friday evening, August 28, 2009, the Bank of Saipan, Inc. ("BOS") filed a Motion to Intervene in the above-captioned action together with "proposed" motions to dismiss or to stay the action and voluminous other documents. By separate *ex parte* motion, BOS asks for an order shortening time to hear both the Motion to Intervene and the "proposed" motions to dismiss or to stay asking that all of the motions be heard at the same time as Defendants' Motion to Dismiss filed on July 31, 2009 which is currently scheduled to be heard on September 10, 2009 at 9:00 a.m.

Nowhere in BOS' moving papers, however, does BOS state the reasons why its Motion to Intervene needs to be briefed and heard on an expedited basis. BOS suggests only that all of its

1 motions should be heard quickly as a matter of “judicial economy,” ignoring Plaintiff’s right to  
2 properly contest intervention if necessary.

3 Moreover, until BOS is actually allowed to intervene in this action — which intervention  
4 Plaintiff strenuously opposes as there is completely no basis for intervention — the briefing and  
5 hearing on any additional motions is premature.

6 The issues raised by BOS in its motion to intervene in this civil rights lawsuit are wholly  
7 separate and independent from the First and Fourteenth Amendment claims of Plaintiff against the  
8 attorney general defendants in this lawsuit. If there is going to be a hearing on this Motion to  
9 Intervene,<sup>1</sup> Plaintiff should be allowed full time for briefing and preparing for a hearing on the  
10 Motion. Then, only after the motion is heard, if at all, should Plaintiff be required to go through the  
11 time and expense of briefing and arguing BOS’ “proposed” additional motions that presume  
12 intervention will be allowed.

13 Particularly given that BOS has absolutely no interest that could be affected by this lawsuit,  
14 BOS certainly cannot be affected by a regular briefing and hearing schedule. In any case, it is BOS’  
15 burden to show some exigent circumstances warranting shortened time. There is no emergency here.  
16 The motion to shorten time should be denied.

17  
18 //

19 //

20 //

21 //

22

---

23  
24 <sup>1</sup> Intervention is governed by Fed. R. Civ. P. 24 and is discretionary. Additionally, no hearing  
25 need be held here as BOS has no right to intervene and there is no basis for permissive intervention.  
26 *See, e.g.,* WRIGHT, A., MILLER, A. AND KANE, M., 7C FEDERAL PRACTICE & PROCEDURE (3D) § 1914  
27 (hearing not required if it is clear from the face of the application to intervene that motion must be denied).

1 DATED this 31<sup>st</sup> day of August, 2009.

2 /s/ Mark B. Hanson

3 

---

 MARK B. HANSON

4 Second Floor, Macaranas Building  
5 Beach Road, Garapan  
6 PMB 738, P.O. Box 10,000  
7 Saipan, MP 96950  
8 Telephone: (670) 233-8600  
9 Facsimile: (670) 233-5262  
10 E-Mail Address: [mark@saipanlaw.com](mailto:mark@saipanlaw.com)

11 Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that the following attorneys were served with a copy of the foregoing through the Court's electronic case filing system:

Braddock J. Huesman, Assistant Attorney General  
OFFICE OF THE ATTORNEY GENERAL  
Commonwealth of the Northern Mariana Islands  
Hon. Juan A. Sablan Memorial Bldg., Second Floor  
Caller Box 10,007, Capitol Hill  
Saipan, Mariana Islands 96950

Attorney for Defendants

William M. Fitzgerald, Esq.  
LAW OFFICE OF WILLIAM M. FITZGERALD  
Second Floor, Macaranas Building  
P.O. Box 500909  
Saipan, Mariana Islands 96950

Kathleen V. Fisher, Esq.  
CALVO & CLARK, LLP  
First Floor, Macaranas Building  
PMP 951, P.O. Box 10,001  
Saipan, Mariana Islands 96950

Attorneys for Bank of Saipan, Inc.

DATED: August 31, 2009

/s/ Mark B. Hanson

MARK B. HANSON